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SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB Docket No. AB-397 (Sub-No. 7X)

TULARE VALLEY RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN TULARE COUNTY, CA

PETITION FOR TRAIL USE/RAIL BANKING CONDITION
OF
AMERICAN TRAILS ASSOCIATION, INC.

Fritz R. Kahn
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Attorney for

AMERICAN TRAILS ASSOCIATION, INC.

Dated: March 9, 2010

LAW OFFICES
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March 9, 2010

VIA ELECTRONIC FILING

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, D. C. 20423

ENTERED
Office of Proceedings

MAR 9, 2010

Part of
Public Record

Dear Ms. Brown:

Attached for filing in STB Docket No. AB-397 (Sub-No. 7X), Tulare Valley Railroad Company—Abandonment Exemption—in Tulare County, CA, is the Petition for Trail Use/Rail Banking Condition of American Trails Association, Inc.

Information concerning the charging of my credit card with the \$250 filing fee previously was facsimile transmitted to the Board.

If you have any question concerning this filing or if I otherwise can be of assistance, please let me know.

I certify that copies of this letter and of the Petition were served upon the representative of the Tulare Valley Railroad Company.

Sincerely yours,


Fritz R. Kahn

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Office of Proceedings

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**SURFACE TRANSPORTATION BOARD
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STB Docket No. AB-397 (Sub-No. 7X)

**TULARE VALLEY RAILROAD COMPANY
--ABANDONMENT EXEMPTION--
IN TULARE COUNTY, CA**

**PETITION FOR TRAIL USE/RAIL BANKING CONDITION
OF
AMERICAN TRAILS ASSOCIATION, INC.**

Petitioner, American Trails Association, Inc. ("ATA"), pursuant to 16 U.S.C. 1247(d) and 49 C.F.R. 1152.29, expresses its interest in acquiring for interim trail use and rail banking the right-of-way of the Tulare Valley Railroad Company, extending between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of 5.9 miles in Tulare County, CA, authorized for abandonment by the Notice of Exemption, served July 21, 2009, 74r Fed. Reg. 35904, July 21, 2009.

A map of the line is attached.

The abandonment authorization has not yet been exercised, and the Board retains jurisdiction to grant the requested trails use/rail banking condition and to issue a Decision and Notice of Interim Trail Use or Abandonment ("NITU"), if the Tulare Valley Railroad Company were to agree to negotiate a trails use/rail banking agreement with ATA

ATA is late in filing its trail use statement since it only recently learned that Tulare Valley Railroad Company would be willing to make the right-of-way available for interim trails use/rail banking.

**Statement of Willingness to Assume
Financial Responsibility**

In order to establish interim trail use and rail banking under the National Trails System Act, 16 U.S.C. 1247(d), and 49 C.F.R. 1152.29, ATA is willing to assume full responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability) and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Tulare Valley Railroad Company. The property extends between Milepost 71+2969.2 at or near Ducor and Milepost 66.0 at or near Ultra, a distance of 5.9 miles in Tulare County, CA. The right-of-way is part of the line of railroad authorized to be abandoned pursuant to the Notice of Exemption, served July 21, 2009, 74 Fed. Reg. 35904, July 21, 2009. A map of the railroad line depicting the right-of-way is attached.

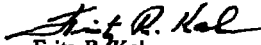
ATA acknowledges that use of the right-of-way is subject to the user's continuing obligation to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail use.

A copy of this statement is being served on the Tulare Valley Railroad Company on the same date it is being filed with the Board.

Respectfully submitted,

AMERICAN TRAILS ASSOCIATION, INC.

By its attorney,




Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036
Tel.: (202) 263-4152

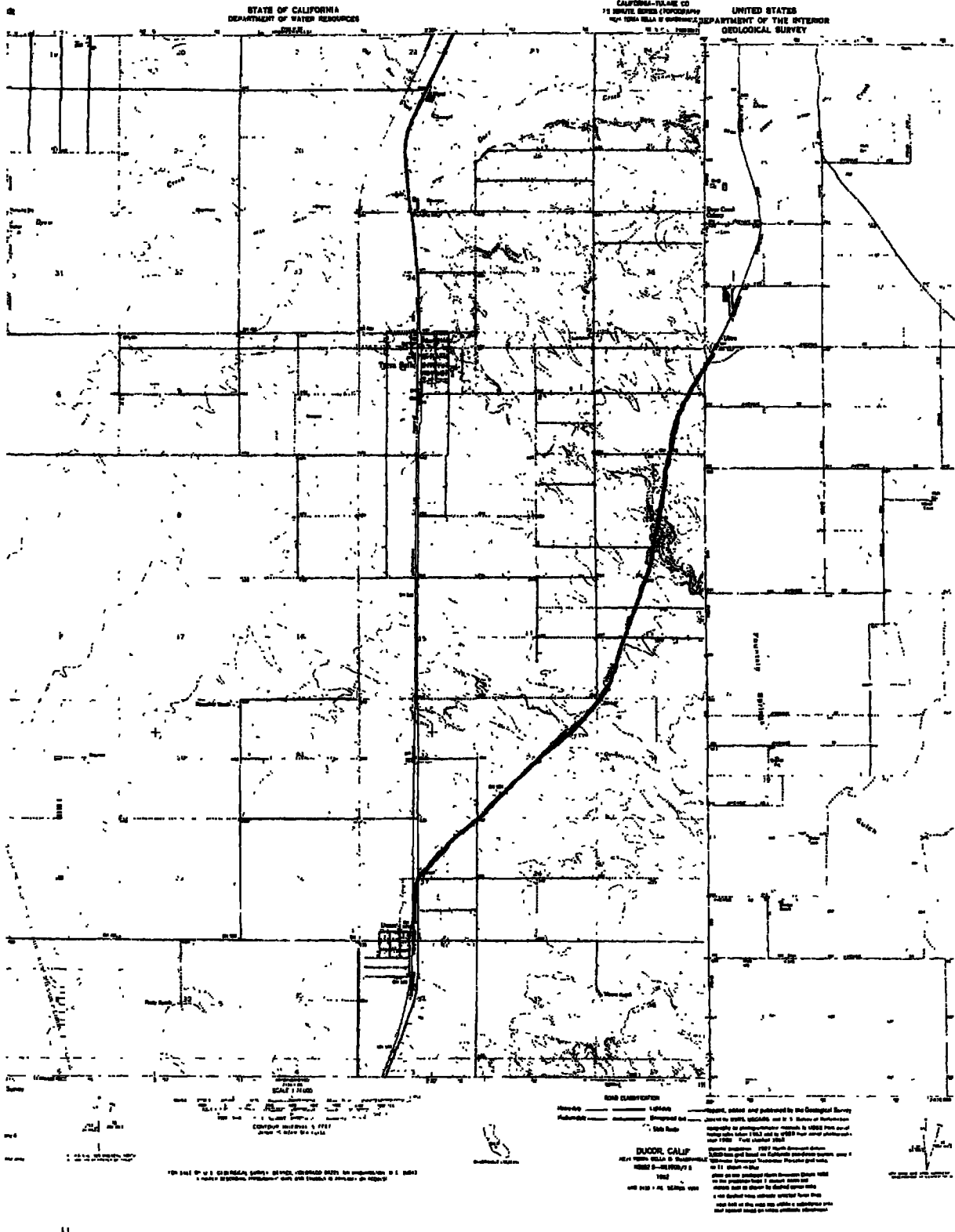
Dated: March 9, 2010

CERTIFICATE OF SERVICE

I certify that I this day served the foregoing Petition for Trails Use/Rail Banking
Condition of the American Trails Association, Inc., upon Tulare Valley Railroad
Company by hand delivering a copy to the railroad's representative..

Dated at Washington, DC, this 9th day of March, 2010.


Fritz R. Kahn



STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES

DUCOR QUADRANGLE
CALIFORNIA-TULARE CO.
7.5 STATE SERIES (POGONOMY)
Map 1000-5000 1:50,000 DEPARTMENT OF THE INTERIOR
U.S.G. 1950

UNITED STATES
GEOLOGICAL SURVEY

SCALE 1:50,000
Horizontal Scale
Vertical Scale
Contour Interval 10 Feet
Elevation in Feet Above Sea Level

ROAD CLASSIFICATION
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State Highway 2-40000
County Road 3-40000
Other Road 4-40000
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FOR SALE BY U.S. GEOLOGICAL SURVEY, OFFICE, 1000 L STREET, N.W., WASHINGTON, D.C. 20004
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DUCOR, CALIF.
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Map 1000-5000 1:50,000 DEPARTMENT OF THE INTERIOR
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